

UNITED STATES DISTRICT COURT

District of Minnesota

Edward Poindexter,

Plaintiff,

(Enter the full name of ALL plaintiff(s) and prisoner
number(s) in this action)

vs

Victoria Pohlmann, et al.,

Defendants.

(Enter the full name of ALL defendant(s) in this action)

1. PREVIOUS LAWSUITS

- A Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment in the last three years?

Yes ☒ No

- B. If your answer to A is Yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs

Defendants

2. Court (if federal court, name the district. If state court, also name the county)

3. Case Number

4. Name of judge to whom case was assigned

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APR 10 2008

CLERK, U.S. DISTRICT CC JRT
ST. PAUL, MN

Civil No.

COMPLAINT FOR VIOLATION
OF FEDERAL RIGHTS UNDER
42 U.S.C. 1983RECEIVED
BY MAIL

APR 24 2008

CLERK, U.S. DISTRICT COURT
ST. PAUL, MN

SCANNED

APR 29 2008

U.S. DISTRICT COURT ST. PAUL

5. Cause of Action (Cite statute under which you filed and write a brief statement of the case):

6. Disposition (For example: Was the case dismissed? Appealed? Still pending?)

7. Approximate date of filing of lawsuit

8. Approximate date of disposition

9. Attach copy of disposition if not from Federal District Court of Minnesota.

II. PLACE OF PRESENT CONFINEMENT

- A. Is there a prisoner grievance procedure in the institution?

 X Yes No

- B. Did you present the facts relating your complaint in the prisoner grievance procedure?

 Yes X No

- C. If your answer is Yes:

1. What steps did you take? None. This complaint concerns
violations of my rights at the Minnesota Correctional Facility.
2. What was the result? I was expelled from the state before
having a chance to address grievances in court.
3. Attach a copy of disposition

- D. If your answer is No, explain why not:

I was on an Interstate Compact transfer and filed a habeas corpus, but was
kicked out of the state for no reason before I had my habeas hearing.

III. PARTIES

(In Item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs)

- A. Name of Plaintiff: Edward Poindexter

Address: NSP, Box 2500, Lincoln, NE 68542-2500

Additional Plaintiffs:

III. PARTIES

Plaintiff: Edward Poindexter #27767
NSP, Box 2500
Lincoln, NE 68542-2500

Defendants: 1. Officer Victoria Pohlmann
MCF-FRB
1101 Linden Lane
Faribault, MN 55021-6400

2. C. Davis, Mail Room
MCF-FRB
1101 Linden Lane
Faribault, MN 55021-6400

3. Lou Stander, Associate Warden of
Operations
MCF-FRB
1101 Linden Lane
Faribault, MN 55021-6400

4. Sgt. Krentz
MCF-FRB
1101 Linden Lane
Faribault, MN 55021-6400

5. Officer C. Peine
MCF-FRB
1101 Linden Lane
Faribault, MN 55021-6400

III. PARTIES CONTD.

6. Penelope "Penny" Malecha, Career Case Mgr.
MCF-FRB
1101 Linden Lane
Faribault, MN 55021-6400
7. James "Jim" Lyons, Assistant Warden/Operations
MCF-FRB
1101 Linden Lane
Faribault, MN 55021-6400
8. Janice "Jan" Hanlon, "RN"
MCF-FRB
1101 Linden Lane
Faribault, MN 55021-6400
9. Jaclyn "Jackie" Carter, "CPD"
MCF-FRB
1101 Linden Lane
Faribault, MN 55021-6400
10. Constance "Connie" Roehrich, Warden
MCF-FRB
1101 Linden Lane
Faribault, MN 55021-6400

The above-listed ten (10) defendants are sued in their
"Individual and Official Capacities."

IV. STATEMENT OF CLAIM

Preliminary Statement

Ten (10) defendants conspired to retaliate against plaintiff Edward Poindexter for exercising his United States Constitutional rights under the 1st Amendment that also violated his 6th, 8th and 14th Amendment rights.

Plaintiff is a sixty-three (63) year old disabled Vietnam veteran who had been on an Interstate Compact Transfer program from the Nebraska State Prison (NSP) to the Minnesota Department of Corrections (MNDOC) since July 18, 1979, and has always had an excellent behavior and personal achievement record.

While housed at the Minnesota Correctional Facility at Faribault's (MCF-FRB) "Assisted Living unit," plaintiff had a reputation for being an outspoken critic of the prison administration's mistreatment of him since being transferred there on August 10, 2004. He also encouraged other abused disabled inmates in his living unit to file grievances with the courts.

Plaintiff also filed a civil rights complaint against several MNDOC physicians, as well as a habeas corpus petition in which he named several corrections officials as defendants. Consequently, driven by a class-based animus, defendants conspired and committed fraudulent representation and fraudulent concealment, and retaliated against plaintiff by locking him up in Segregation for seventeen (17) days for no penological reasons, then kicked him out of the state and returned him to the NSP where he remains today, missing his scheduled habeas corpus hearing in Minnesota.

Defendants also opened and read plaintiff's legal mail out of his presence on several occasions in an effort to learn

the names of defendants in an upcoming lawsuit against MNDOC employees.

The four (4) claims in this civil complaint all stem from the same set of circumstances and facts of continuing wrongs that all satisfy the necessary elements of a conspiracy to commit fraudulent representation and fraudulent concealment, then retaliation against plaintiff in a reckless, callous, intentional and deliberate indifferent manner for exercising his united States Constitutional rights of free speech and a meaningful and unfettered access to the courts that was all motivated by evil intent and a class-based animus that caused him irreparable harm and emotional duress and torment.

JURISDICTION

This Court has jurisdiction over plaintiff's claims of violations of his federal rights under 42 U.S.C.A., §§§§§§§§ 1983, 1985, 1986, 1331(A), 1343, 1223, 3602, 3631, Supplemental Jurisdiction over plaintiff's State Tort claims under 28 U.S.C.A., § 1997, and the 1st, 6th, 8th and 14th Amendments of the United States Constitution.

Defendants are employees of the MNDOC, and all are "State Actors" who acted under "color of state law," and are all also sued in their "individual" and "official" capacities.

Plaintiff also cites Haines v. Kerner, 404 U.S. 519, Jones v. U.S., 2007 WL 442242 (W.D.Pa.), and in pari materia, all applicable Minnesota laws and statutes, including conspiracy, fraudulent representation and fraudulent concealment, and the Minnesota Constitution.

CLAIM I

DEFENDANTS OPENED AND READ PLAINTIFF'S LEGAL MAIL OUTSIDE OF
HIS PRESENCE, VIOLATING HIS UNITED STATES CONSTITUTIONAL RIGHTS
UNDER THE 1ST AND 14TH AMENDMENTS

STATEMENT OF FACTS

1. At 5:15 pm on August 3, 2005, plaintiff picked up his legal mail at the Sergeant's Desk from Officer V. Pohlmann, who "opened" the piece of mail in front of him.

2. Plaintiff noticed later in his room that said piece of mail had already been opened, then re-sealed by two staples. See Exhibits #1 and #2.

3. A similar scenario also occurred with the same defendant on January 5, 2006. Exhibits #3, #4 and #5.

4. Plaintiff recalled when Pohlmann re-opened his legal mail, she did so by slipping two fingers through the envelope, ripping through the two staples. But the original opening had been made by a pair of scissors that left jagged lines across the opening. Exhibit #1 again.

5. When the Mail Room opens inmate mail, the usual procedure is to use an electric letter opener that leaves a clean, straight line across the edge of the envelope. And when legal mail is "mistakeningly" opened, an apologetic note is placed in the envelope acknowledging that it was an "accident." But such was not the case in the above-mentioned incident.

6. C. Davis and one unidentified Mail room employee opened plaintiff's legal mail on three (3) occasions. Once can be said to be an accident, but three times is suspicious. Exhibits #6, #7, #8 and #9.

CLAIM II

DEFENDANT CONFISCATED PLAINTIFF'S LEGAL DOCUMENTS AND REFUSED TO RETURN THEM, IN VIOLATION OF HIS UNITED STATES CONSTITUTIONAL RIGHTS UNDER THE 1ST, 8TH AND 14TH AMENDMENTS

STATEMENT OF FACTS

7. On or about February 14, 2005, plaintiff received two police reports via mail that he needed in preparation for an upcoming post conviction appeal in the Douglas County Court in Omaha, Nebraska.

8. Plaintiff received a notice from the Mail Room stating that said police reports were unallowable items because plaintiff's name was not mentioned in them, which was the entire point of his claim and need to include said reports in his upcoming legal action. Exhibit #10.

9. Plaintiff appealed to the Mail Room, and forwarded a copy of the Kite to the department supervisor Lou Stender, Associate Warden of Operations, whose negative response was a terse "Received and noted." Exhibit #11.

10. Plaintiff also received a note from another Mail Room employee informing him that the decision to confiscate and hold his legal documents came from a "supervisory level," meaning Lou Stender. Exhibit #12.

11. Plaintiff then sent a stamped, addressed envelope to the Mail Room to have his two police reports sent back out, but he never received confirmation from the Mail Room verifying that his documents had, in fact, been sent out.

CLAIM III

DEFENDANTS PERMITTED TOBACCO SMOKING IN HIS LIVING UNIT, THUS SUBJECTING HIM TO HARMFUL LEVELS OF SECONDHAND ETS, VIOLATING HIS UNITED STATES CONSTITUTIONAL RIGHTS UNDER THE 8TH AND 14TH

AMENDMENTS

STATEMENT OF FACTS

12. Tobacco smoking is banned in all state-owned and run institutions in the state of Minnesota; said law applies especially to state correctional facilities. Said law is applied very rigidly to prison inmates, and inmate smoking was a very rare occurrence during plaintiff's stay at MCF-FRB.

13. On Wednesday, January 25, 2006, plaintiff was attempting to take a nap because he was weak from pneumonia due to a bad reaction to his chemotherapy for Hepatitis C, and his chest was very congested and he had a very bad cough. Exhibits #13, #14.

14. Plaintiff approached the Sergeant's Desk to complain to Sgt. Krentz, and it was instantly apparent that the smoking was originating from that area.

15. Plaintiff's complaint about the smoking fell on deaf ears, as Sgt. Krentz only gave him a blank stare. He repeated his complaint, but the officer continued only giving him a blank stare.

16. Plaintiff returned to his room and placed his blanket over his nose to filter out the tobacco smoke.

17. The following evening on January 26, 2006, the problem not only continued, but got worse.

18. Said tobacco smoking occurred mostly during the 2nd Shift

from 3:30 pm to 11:30 pm when Sgt. Krentz was the officer in charge of the living unit, and Officers V. Pohlmann and C. Peine assisted him as shift officers.

19. On Tuesday morning, February 21, 2006, plaintiff went to Sick Call, and while there complained about the smoking problem in his living unit to Nurse Krinkle.

20. Plaintiff was hesitant to complain to Health Service personnel because they also smoked in the area. Nevertheless, nurse Krinkle said she'd "look into it."

21. The smoking in plaintiff's living unit ceased for a couple of days, then resumed with a vengeance.

22. Plaintiff compiled a "Smoking Log" containing numerous affidavits of his, plus one affidavit from a quadrapalegic inmate in his living unit who had the same complaint. Exhibit #15.

23. Plaintiff was also promised more affidavits about the smoking problem in his living unit from inmate Nico Redding, but he was kicked out of the state before having an opportunity to collect said affidavits. (See Claim IV)

CLAIM IV

DEFENDANTS CONSPIRED TO KICK PLAINTIFF OUT OF THE STATE BEFORE HIS HABEAS CORPUS HEARING, IN VIOLATION OF HIS UNITED STATES CONSTITUTIONAL RIGHTS UNDER THE 1ST, 6TH, 8TH AND 14TH

AMENDMENTS:

STATEMENT OF FACTS

24. On June 5, 2006, plaintiff met with his case manager, Penny Malecha, who informed him that he was going to be shipped back to his home state for no stated reason.

25. Plaintiff explained to Malecha that he had an upcoming habeas corpus hearing scheduled for July 11, 2006 at the Rice County Court. and requested a postponement of his transfer until at least after his hearing. Exhibit #16.

26. Malecha acknowledged knowledge of the hearing, stating that she'd also received a copy of the Court's Order, but suggested that plaintiff address his request to James "Jim" Lyons, Assistant Warden of Operations, and head of the PRT (Program Review Team) that made the collective decision to transfer plaintiff.

27. Later in the day, plaintiff was placed in hand cuffs by the Security Squad and placed in Segregation for no stated reason.

28. Later in the day, plaintiff received official paperwork on his segregation status, and a copy of the PRT Report wherein he learned that the other members of the Team were Penelope "Penny" Malecha, Career Case Manager, Janice "Jan" Hanlon, "RN," and Jaclyn "Jackie" Carter, CPD. Exhibits #17, #18.

29. Plaintiff then sent his request Kite to Jim Lyons, but said request was promptly ignored. Exhibit #19.

30. Plaintiff spent the next seventeen (17) days in Segregation, and was sent back to the NSP on June 22, 2006, without any type of hearing, no former or even informal charges or even accusations. (See Exhibit #18 again)

30b. On June 26, 2006, someone from MCF-FRB called the Rice County Clerk to announced that plaintiff had been transferred. Exhibit #19b.

31. Defendants Stender is the direct supervisor of Lyons, and Warden Constance "Connie" Roehrich is Stender's supervisor.

Plaintiff's untimely transfer would not have been possible without the "signing off" by the forementioned two defendants.

32. Plaintiff also states for the record that he was known in the living unit to have been active in pro se litigation taken against MNDOC doctors, officials and other employees, as well as his attack on an unconstitutional state procedure of the MNDOC giving him an illegal upward departure of his prison sentence addressed in his habeas corpus petition. Exhibits #20, #21.

33. Plaintiff was also an active advocate of other disabled inmates in his living unit addressing their grievances through the proper channels, and advised them in filing their own petitions.

34. Plaintiff's untimely transfer also separated him from his own legal advisor in inmate Nico Redding, who, at the time of his transfer, was assisting plaintiff in preparing for his habeas corpus hearing. The two of them were also collaborating on filing another humongous civil complaint against the MNDOC employees and officials. Exhibit #22.

35. Plaintiff's untimely and illegal transfer also caused him considerable stress, duress and emotional torment not only that already stated herein, but due to his chronic and debilitating health; he was anxious to win his habeas corpus in Minnesota not just for obvious reasons, but so that he could check into the nearest Veteran's Hospital to receive adequate health care, which was something he did not receive in the Minnesota Correctional system, nor at his present resident at the NSP. Exhibits #23, #24, #25 and #26.

36. Plaintiff also states for the record that aside from the two (2) previously mentioned lawsuits filed against MNDOC employees and officials, he also filed several grievances against same concerning the terrible manner in which he had been treated while he was confined to MCF-FRB's Assisted Living Unit from August 10, 2004 to June 20, 2006, for denial of medical care and accommodations. Exhibits #27, #28, #29, #30, #31 and #32.

37. During the month of January, 2006, plaintiff met with his Case Manager, Penny Malecha, following a request to leaf through his Base Files in search of some documents he might use in preparation for his habeas corpus petition.

38. Among said documents he had copied was the COMS memo from Erik Skon, Assistant Commissioner of Adult Facilities for the MNDOC. Exhibit #33.

39. Said COMS memo gave plaintiff an upward departure of his first degree murder life sentence received on April 17, 1971, in the Douglas County Court, in Omaha, Nebraska. Exhibit #34.

40. Through said COMS memo, the MNDOC changed plaintiff's sentence that has a defacto mandatory release of no later than on or about April 17, 1988, to April 17, 2071, thus making him a Minnesota prisoner as of the effective date of the COMS memo, December 1, 2000.

41. Plaintiff, further, had no knowledge of said COMS memo before he read it in his Base Files during the month of January of 2006.

V. RELIEF

A. AWARD PLAINTIFF COMPENSATORY DAMAGES FROM DEFENDANTS
IN THE FOLLOWING AMOUNTS:

1. Officer V. Pohlmann

Claim I, \$10,000, for two counts

Claim III, \$30,000, for all counts (See Smoking Log)

TOTAL = \$40,000

2. C. Davis, Mail Room

Claim III, \$20,000, for four counts

TOTAL = \$20,000

3. Lou Stender, Associate Warden of Operations

Claim II, \$10,000, for two counts

Claim IV, \$81,000

TOTAL = \$91,000

4. Sgt. Krentz

Claim III, \$30,000, for all counts (See Smoking Log)

TOTAL = \$30,000

5. Officer C. Peine

Claim III, \$30,000, for all counts (See Smoking Log)

TOTAL = \$30,000

6. Penelope "Penny" Malecha, Career Case Manager

Claim IV, \$81,000

TOTAL = \$81,000

7. James "Jim" Lyons, Assistant Warden of Operations

Claim IV, \$81,000

TOTAL = \$81,000

8. Jan Hanlon, "RN"

Claim IV, \$81,000

TOTAL = \$81,000

V. RELIEF CONTD.

9. Jaclyn "Jackie" Carter, "CPD

Claim IV	\$81,000	TOTAL = \$81,000
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10. Constance "Connie" Roehrich, Warden

Claim IV	\$81,000	TOTAL = \$81,000
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SUB TOTAL = \$616,000

B. AWARD PLAINTIFF PUNITIVE DAMAGES FROM DEFENDANTS IN THE FOLLOWING AMOUNTS:

Plaintiff requests this Court to award him Punitive Damages DOUBLE the amount of Compensatory Damages, making a GRAND TOTAL OF \$1,232,000.00. It this sounds excessive or exorbitant, plaintiff believes it is justified due to the evil intent of the bold and arrogant, blatant, reckless and callous, flagrant, oppressive, intentional and deliberate indifferent behavior of a conspiracy to commit fraudulent concealment, fraudulent representation and retaliation against plaintiff for exercising his most fundamental constitutional right of free speech and an unfettered and meaningful access to the court. Said allegations were so egregious as to justify special damages in essence or in spirit.

Said retaliation against plaintiff also had a class-based animus that caused him severe emotional torment and duress, and irreparable harm.

Wherefore, plaintiff further asks this Court to grant him any other proper and necessary relief it may deem he is entitled to pursuant to 20 U.S.C.A., § 2202.

(In Item B below, place the full name of the defendant in the first blank, official position in the second blank, and place of employment in the third blank. Do the same for all additional defendants, using a separate page, if necessary)

B. Name of Defendant: Victoria Pohlmann
 employed as: Correctional Officer
 at: Minnesota Dept. of Corrections
 Additional Defendants See page 1

IV. STATEMENT OF CLAIM

Provide a concise summary of the facts on which your claim is based. Describe how each individual defendant is personally involved, including dates, places and specific wrongful acts or omissions of each defendant. Each factual allegation should be set forth in a separate numbered paragraph. (All paragraphs in the "STATEMENT OF CLAIM" should be consecutively numbered.) Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.

See pages 3 through 13

V. RELIEF

State briefly exactly what you want the court to do for you:

Make no legal arguments. Cite no case or statutes.

See pages 12 through 13

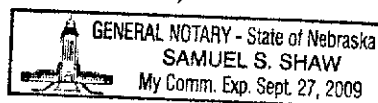
I (We) hereby certify under penalty of perjury that the above petition is true to the best of my (our) information, knowledge and belief.

Signed this 14th day of March, 2008

Signature(s) of Plaintiff(s)

Edward Painter

Subscribed and sworn to me on this 14th day of March, 2008.



Notary Public

CERTIFICATE OF SERVICE

I, Edward Poindexter, plaintiff in this cause of action, hereby certify that one (1) original, and three (3) true and accurate copies of the foregoing civil rights complaint was sent to the clerk administrator of the United States District Court, located at 700 Federal Building, 360 North Robert Street, St. Paul, Minnesota, 55101-1480, by depositing same into the United States mail (Certified, Registered, First Class Postage Prepaid) on this 7th day of April, 2008.

April 7, 2008
Date

Edward Poindexter
Edward Poindexter, pro se
#27767
NSP, Box 2500
Lincoln, NE 68542-2500

April 4, 2008

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BY MAIL

APR 21 2008

Clerk Administrator
of the United States District Court
Room 700 Federal Building
316 North Robert Street
St. Paul, Minnesota 55101-1460

CLERK, U.S. DISTRICT COURT
ST. PAUL, MN

Dear Sir/Ma'am:

I'm enclosing a check in the amount of \$350.00 as a filing fee
for a 42 U.S.C.A., § 1983 civil complaint that should arrive at your
office under separate cover soon, along with summons.

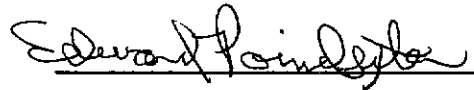
Respectfully Submitted,



Edward Poindexter
#27767
NSP, Box 2500
Lincoln, Nebraska 68542-2500

Pursuant to 28 U.S.C.A., § 1746, I swear under penalty of perjury
that the foregoing is true and accurate to the best of my
information and memory.

April 4, '08



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JS 44 (Rev. 11/04)

CIVIL COVER SHEET

APR 10 2008

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Edward Poindexter

(b) County of Residence of First Listed Plaintiff Lancaster
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
None. Pro se plaintiff

DEFENDANTS

Victoria Pohlmann, et al

County of Residence of First Listed Defendant Rice
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)
?

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ PTF ☒ DEF ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C.A., § 1983 Civil Complaint

Brief description of cause:

Intentional and Deliberate Indifference Toward Constitutional Rights

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$
\$1,232,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

April 3, 2008 Edward Poindexter pro se

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

INMATE INTERVIEW REQUEST

TO: XXXXXXXXXX Inmate Accounts DATE: 4/15/08FROM: Edward Poindexter #27767 NSP 1-A-9
NAME / NUMBER FACILITY LOCATIONWORK LOCATION: N/A UNIT STAFF: _____

MESSAGE: Please let me know as soon as possible when my \$350.00 check for asfiling fee is sent out to the U.S. District Court in St. Paul, MN. It's been two weeks since I mailed it. I need to getr this lawsuit on file asap. Thgecomplaint was returned to me this evening because the c check had not yet caught up with the complaint. (I had to mail them out under separate package/cover)

thank You.

ORIGINAL – DCS Employee

YELLOW – Inmate

Both copies need to be submitted for response.

Ed Poindexter
Signature

REPLY:

See attached. It will be sent out within the next few days

4/15/08
Date

[Signature]
Signature

STATE OF NEBRASKA
DEPARTMENT OF CORRECTIONAL SERVICES
ACCOUNTING
INSTITUTIONAL ACCOUNT

ID	INST	REC	LAST
NUMBER NAME	DATE REC RELEASE	CTR LOCALITY	ACTIVITY
27767 POINDEXTER/EDWARD	04/17/71	NSP 1A 09	04/15/08

SSN	PREV ID	GATE	HR ASSIGNMENT	DATE	IST	CNF	MNT	RST	SAV	SEC	SUS	LEG
505562599		00	AD UNASSIGNED	06/22/06	O	O			O		O	
					N	N			N		N	

PROL VIOL	DET	BEGIN BAL	BEG UNFR BAL	EAL	CURR FR BAL	CURR UNFR BAL	CURR BAL
N		1,361.23	735.64		42.15	1,501.39	1,543.54

TRAN	TRAN	DOC	FROZEN	DEBIT	CREDIT	BALANCE
CODE	DATE	NUMBER DESCRIPTION	AMOUNT			
03801	041108	9766 STORE 02 CHARGES		1954		185139
03116	041508	40408 US DIST COURT CLERK		35000		150139

FAC. NSP H.U. 1-A-9

DATE 4/4/08 \$ 350.00

TO Clerk Administrator

Edward Poindexter
Inmate Name

ID # 27767 Date Posted APR 15 2008

Witnessed CW Kyrchals

Approved [Signature]

Trust Ck. # 610448

APR 17 2008

RETURN Stub with check for processing.

RECEIVED
BY MAIL

April 7, 2008

Clerk Administrator
U.S. District Court
700 Federal Bldg.
316 North Robert St.
St. Paul, MN 55101-1460

APR 10 2008

CLERK, U.S. DISTRICT CC JRT
ST. PAUL, MN

Sir/Ma'am:

the enclosed should be self-explanatory with the possible exception of the stack of summons. I enclosed them in the event that you needed to stamp, date and sign them individually. I also enclosed a single summons that left blank the name and address of the defendants in case that one will suffice for the record, where you may only need to sign, date and stamp, then i make ten (10) copies of it to name and address each one to distribute to defendants.

Sincerely,


Edward Poindexter

RECEIVED

IN THE UNITED STATES DISTRICT COURT OF MINNESOTA

BY MAIL

EDWARD POINDEXTER,)
)
 Plaintiff,)
)
 v.)
)
 VICTORIA POHLMANN, ET AL,)
)
 Defendants.)

APR 10 2008

CASE NO:

CLERK, U.S. DISTRICT COURT
ST. PAUL, MN

NOTICE OF SERVICE BY

MAIL

On the date of April 7, 2008, I Edward Poindexter, plaintiff in this cause of action, sent by United States mail first class postage prepaid the following documents to the clerk administrator of the United States District Court of Minnesota, located at 700 Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101-1460:

- 1 - One (1) each original 42 U.S.C.A., § 1983 Civil Complaint,
- 2 - Three (3) each true and accurate copies of same,
- 3 - One (1) each summons for ten (10) each defendants,
- 4 - ~~Ten (10) each summons for ten (10) each individual defendants if needed,~~ *Ed P.*
- 5 - One (1) each "Civil Cover Sheet," Form JS 44.

The \$350.00 filing fee was sent under separate cover on or about April 4, 2008.

Pursuant to 28 U.S.C.A., § 1746, I swear under penalty of perjury that the above is true and accurate to the best of my information and memory.

April 7, 2008
 Date

Edward Poindexter
 Edward Poindexter, pro se
 #27767
 NSP, Box 2500
 Lincoln, NE 68542-2500

Notice: this correspondence was mailed from an
Institution operated by the Nebraska Department
of Corrections. Its contents are uncensored.

Inmate Name: Edward Poindexter
Inmate # 27767

P. O. Box 2500
Lincoln, NE 68542-2500

LINCOLN NE 685

17 APR 2008 PM 1



USA 41

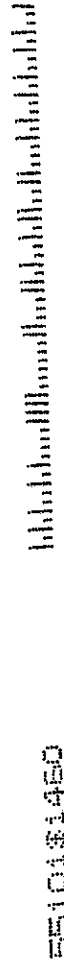
RECEIVED
BY MAIL

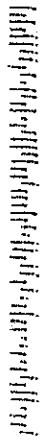
APR 21 2008

CLERK, U.S. DISTRICT COUR.
ST. PAUL, MN

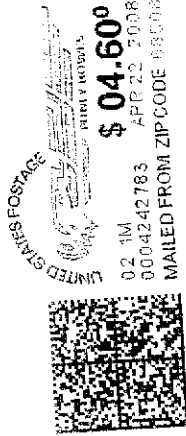
Clerk Administrator
United States District Court
Room 700 Federal Building
316 North Robert Street
St. Paul, Minnesota 55101-1460

LEGAL MAIL LEGAL MAIL





ED
NSP, BOX 2500
LINCOLN, NEBRASKA 68542-2500



46-03-13

Clerk Administrator
United States District Court
700 Federal Building
316 North Robert Street
St. Paul, Minnesota 55101-1460

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APR 24 2008

CLERK, U.S. DISTRICT COURT
ST. PAUL, MN